

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11566 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.2, for grant of anticipatory bail in the event of his arrest in Crime No.138 of 2017 on the file of Serilingampally Excise Police Station, Ranga Reddy District, registered for the offence punishable under Section 8 (c) read with 20 (b) (ii) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/accused No.2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.2 would submit that the petitioner is an innocent person and is falsely implicated in this case. No ganja was seized from the possession of the petitioner. He is implicated in this case pursuant to the confession made by accused No.1 and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.2.

5. The material on record reveals that on 31.08.2017, at 09:45 AM, when the excise officials were checking, they found accused No.1 in possession of 2.250 Kgs. of dry ganja and accused No.1 confessed the commission of offence by the petitioner/accused No.2 also. It is

also brought to the notice of the Court that the petitioner is accused in Crime No.135 of 2017 of Serilingampally Excise Police Station, Ranga Reddy District. There are three other cases relating to ganja only.

6. It appears that the petitioner is a habitual offender dealing in ganja. The matter requires thorough investigation. Therefore, the petitioner is not entitled for anticipatory bail under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

December 04, 2017
MD



Dr. SHAMEEM AKTHER, J

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